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*In re Application of:*

Goicoechea, George et al

Serial No.: 10/616,274

Filed: Jul. 9, 2003

Docket: BSI-210US5

Title: BIFURCATED ENDOLUMINAL  
PROSTHESIS

DECISION ON PETITION

This is a decision on the petition received on May 10, 2007, seeking to suspend action on the above-identified application for a period of six months for the second time. This petition is being considered pursuant to 37 CFR § 1.103(a). The petitioner has authorized a charge of the requisite \$200.00 petition fee to the Account No. 18-0350.

The petition is denied.

The record shows that:

- 1) On Aug. 23, 2006, the petitioner filed a petition requesting a six-month suspension of examination pending the outcome of the investigation of priority of competing claims between two entities, namely, Boston Scientific Scimed, Inc. and Guidant.
- 2) On Nov. 6, 2006, the examiner granted the petition for suspension of action for a period of six months to provide the applicant with additional time to investigate the priority of competing claims between two entities.
- 2) On May 10, 2007, the petitioner again filed a petition requesting a six-month suspension of examination pending the completion of the investigation of priority of competing claims between two entities.
- 4) In the petition, petitioner also states that Boston Scientific has not yet been able to complete its investigation of priority between the present application and the Marcade '542 patent. Therefore, the applicant now requests the PTO to suspend prosecution of this application for another six months to enable Boston Scientific to investigate priority between the present application and the Marcade '542 patent.

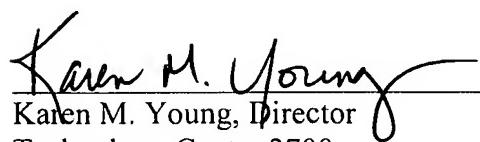
Applicant's second request for suspension filed May 10, 2007 fails to set forth good and sufficient reasons to further delay prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he presently stands in the process of gathering evidence in determining the priority claims between two entities, and also fails to establish why, in particular, another six months will advance his investigation. Accordingly, applicant has failed to establish good and sufficient reasons to continue delay of prosecution. The application is removed from suspended status and being returned to the examiner for immediate consideration of the remarks filed Aug. 23, 2006 and issuance of an Office action. Moreover, in light of the fact that more than ten months have passed from the date of the filing the current petition and no action was taken on this application, which is also more than the time period what the petitioner had requested, this petition must be denied.

Petitioner is entitled to file a request for reconsideration, and any such request must be filed within two months of the date of this decision. See 37 CFR § 1.181 (f). The request for reconsideration should be directed to the Office of the Deputy Commissioner for Patent Examination Policy at Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. See MPEP 1002.02.

**PETITION DENIED.**

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner at (571)-272-4856.

**PETITION DENIED**



Karen M. Young  
Karen M. Young, Director  
Technology Center 3700